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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,432	10/15/2003	Yoshiyuki Sasaki	R2184.0266/P266	3897
24998	7590	05/31/2007		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER GOMA, TAWFIK A	
			ART UNIT 2627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/684,432	Applicant(s) SASAKI, YOSHIYUKI	
	Examiner Tawfik Goma	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed on 3/12/2007.

Claim Objections

Claim 1 is objected to because of the following informalities: The claim recites the limitation “the date to be recorded in the recording medium being to be recorded in said second region”, the examiner will interpret the limitation to say “the *data* to be recorded in the recording medium being [to be] recorded in said second region.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mine (US 6243338).

Regarding claim 1, Mine discloses a data recording device, comprising: a recording unit that records data on a recording medium (fig. 1), said recording medium including a plurality of recorded regions each having data recorded by the recording unit and a plurality of unrecorded regions without any data recorded (col. 8 lines 47-58); and a recording state determination unit that stores recording state data for distinguishing the recorded regions from the unrecorded regions (col. 8 lines 59-63); wherein the recording unit includes ; a determination unit that determines whether a first region immediately prior to a second region is unrecorded by the recording state determination unit (col. 8 lines 47-58), the data to be recorded in the recording

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medium being recorded in said second region; a dummy data recording unit that records dummy data in the first region when the determination unit determines that the first region is unrecorded, said dummy data enabling reading data in the second region (col. 8 lines 29-32 and figs. 9 and 18); and a controller that identifies the first region recorded with the dummy data as one of the unrecorded regions (col. 12 lines 54-64).

Regarding claim 2, Mine further discloses wherein the mark includes dummy data used for generating a synchronization signal when reading data on the recording medium (col. 8 lines 34-36).

Regarding claim 3, Mine discloses wherein the mark includes one ECC block of dummy data (fig. 11) when the recording medium is in compliance with a DVD+RW disk standard (col. 4 lines 48-50).

Regarding claim 4, Mine further discloses wherein the recording state determination unit stores the recording state data for each minimum recording region of the recording medium to determine a recording state of each of the minimum recording regions (col. 9 lines 63-67 through col. 10 lines 1-2).

Regarding claim 5, Mine further discloses wherein the recording state determination unit distinguishes the recorded region from the unrecorded region based on a bitmap including a plurality of one-bit recording state flags (fig. 11).

Regarding claim 6, Mine further discloses a recording-state flag storing unit configured to store the recording state flags (23, fig. 1, and col. 8 lines 64-66).

Regarding claim 7, Mine further discloses a recording state flag recording unit configured to record the recording state flags to a recording state flag recording region in the recording medium (WBBM, col. 8 lines 64-66).

Regarding claim 8, Mine further discloses wherein the recording state flag recording region is allocated in a Formatting Disk Control Block (FDCB) in a lead-in area of the recording medium (col. 8 lines 64-66), when the recording medium is in compliance with a DVD+RW disk standard (col. 4 lines 48-50).

Regarding claim 9, Mine discloses a method for recording data on a recording medium including a plurality of recorded regions each having data recorded and a plurality of unrecorded regions without any data recorded (figs. 9 and 18), the method comprising the steps of: storing recording state data for distinguishing the recorded regions from the unrecorded regions (s32, fig. 18); determining whether a first region immediately prior to a second region is unrecorded (col. 8 lines 47-58); recording dummy data in the first region when the first region is unrecorded, said dummy data enabling reading data in the second region (col. 8 lines 29-32, and figs. 9 and 18) and identifying said the first region recorded with the dummy data as one of the unrecorded regions (col. 12 lines 54-64).

Regarding claim 10, Mine discloses a program stored in a computer readable medium and executable by a computer (col. 5 lines 33-36) for recording data on a recording medium including a plurality of recorded regions each having data recorded and a plurality of unrecorded regions without any data recorded (figs. 9 and 18), the program comprising the steps of: storing recording state data for distinguishing the recorded regions from the unrecorded regions (s32 fig. 18); determining whether a first region immediately prior to a second region is

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unrecorded (col. 8 lines 47-58); recording dummy data in the first region when the first region is unrecorded, said dummy data enabling reading data in the second region (col. 8 lines 29-32, and figs. 9 and 18) and identifying said the first region recorded with the dummy data as one of the unrecorded regions (col. 12 lines 54-64).

Regarding claim 11, Mine discloses a computer readable storage medium that stores a program executable by a computer (col. 5 lines 33-36) for recording data on a recording medium including a plurality of recorded regions each having data recorded and a plurality of unrecorded regions without any data recorded (figs. 9 and 18), the program comprising the steps of: storing recording state data for distinguishing the recorded regions from the unrecorded regions (figs. 14a, 14b and col. 10 lines 55-65); determining whether a first region immediately prior to a second region is unrecorded (col. 8 lines 47-58); recording dummy data in the first region when the first region is unrecorded, said dummy data enabling reading data in the second region (col. 8 lines 29-32, and figs. 9 and 18) and identifying said the first region recorded with the dummy data as one of the unrecorded regions (col. 12 lines 54-64).

Regarding claim 12, Mine discloses a data recording system (fig. 1) comprising: a host computer (10, 21, fig. 1); and a data recording device (8, fig. 1), wherein the data recording device comprises: a recording unit that records data on a recording medium (3, fig. 1), said recording medium including a plurality of recorded regions each having data recorded by the recording unit and a plurality of unrecorded regions without any data recorded (fig. 9); and a recording state determination unit that stores recording state data for distinguishing the recorded regions from the unrecorded regions (figs. 14a, 14b and col. 10 lines 55-65); wherein the recording unit includes ; a determination unit that determines whether a first region immediately

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prior to a second region is unrecorded by the recording state determination unit (col. 8 lines 47-58), the data to be recorded in the recording medium being recorded in said second region; a dummy data recording unit that records dummy data in the first region when the determination unit determines that the first region is unrecorded, said dummy data enabling reading data in the second region (col. 8 lines 29-32 and figs. 9 and 18); and a controller that identifies the first region recorded with the dummy data as one of the unrecorded regions (col. 12 lines 54-64).

Response to Arguments

Applicant's arguments filed 3/12/2007 have been fully considered but they are not persuasive. Applicant's arguments that Mine does not disclose recording dummy data in an area immediately prior to a recording area is not persuasive because fig. 9 of Mine clearly discloses providing the finalization dummy data immediately prior to the user data areas. Applicant's argument that Mine only records dummy data during finalization is not persuasive because the limitation of recording the dummy data before finalizing the disc is not in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Goma
/Tawfik Goma/
5/25/2007


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600